

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 98-060

IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF

GUY PAGE, OWNER/OPERATOR
FIRST NATIONAL LAUNDROMAT
WASTEWATER DISPOSAL FACILITIES
Joshua Tree - San Bernardino County

This Order is issued to Guy Page, Owner/Operator of First National Laundromat for failure to submit annual fees subject to provisions of California Water Code Section 13260, which requires each person for whom waste discharge requirements have been prescribed to pay an annual fee.

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On November 29, 1995, waste discharge requirements were issued to Robert Masse for First National Laundromat, Board Order No. 95-104.
2. On August 19, 1997, Regional Board staff received information from Guy Page that as of July 8, 1997 he was the new owner/operator of the First National Laundromat.
3. On September 24, 1997, the Regional Board adopted Change of Name/Ownership Order No. 97-120 which listed the new owner/operator of the First National Laundromat as Guy Page.
4. Pursuant to Section 13260 of the California Water Code, which states in part:

"...Each person for whom waste discharge requirements have been prescribed pursuant to Section 13263 shall submit an annual fee not to exceed ten thousand dollars (\$ 10,000) according to a reasonable fee schedule established by the state board..."
5. On September 25, 1997, the State Water Resources Control Board issued Invoice No. 9704313 to Guy Page in the amount of \$200.00.
6. On December 1, 1997, the State Water Resources Control Board issued a first delinquent notice.
7. On January 5, 1998, the State Water Resources Control Board issued a second delinquent notice.
8. On January 27, 1998, Regional Board staff sent a letter informing Guy Page that the State Water Resources Control Board had not received payment for the annual fee invoice, and that payment should be forwarded to the State Water Resources Control Board.
9. On March 25, 1998, Notice of Violation No. 98-053 was issued by certified mail to Guy Page for failure to submit annual fees pursuant to Section 13260, Division 7 of the California Water Code. Regional Board staff received the certified return receipt noting the date of delivery as March 27, 1998.

10. On May 11, 1998, Administrative Civil Liability Complaint No. 98-035 was issued by certified mail to Guy Page in the amount of \$379.00 pursuant to Section 13261 of the California Water Code. On May 27, 1998, Regional Board staff received the certified return receipt noting the date of delivery as May 21, 1998.
11. The Regional Board considered the factors found in California Water Code Section 13327:

"In determining the amount of civil liability the regional board, and the state board upon review of any order pursuant to Section 13324, shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require."
12. With respect to Finding No. 10, above, the Regional Board specifically considered the following:
 - a. Nature, circumstance, extent and gravity of the violation: The discharger is subject to provisions of California Water Code Section 13260, which requires each person for whom waste discharge requirements have been prescribed to pay an annual fee. The discharger was given a number of warnings, including Notice of Violation. The discharger has not responded to the Administrative Civil Liability Complaint. The discharger has not disputed the fact they are in violation.
 - b. Susceptible to cleanup and abatement: Not applicable
 - c. Degree of toxicity of the discharge: Not applicable
 - d. Ability to Pay, the Effect on Ability to Continue in Business: The discharger has not provided Regional Board staff with documentation of any financial difficulty.
 - e. Voluntary Cleanup Efforts: Not applicable
 - f. Prior History of Violations: This is the first violation for failing to pay the annual fees.
 - g. Degree of Culpability: The discharger was aware the annual fee was due upon receipt of Annual Fee Invoice No. 9704313, and is responsible for compliance with the terms and conditions of California Water Code Section 13260 and is therefore fully culpable for the violation described above.
 - h. Economic Savings, if any, Resulting from the Violation: By failing to pay the annual fee, the discharger realized economic gains by not complying with California Water Code Section 13260.
13. The cost of Regional Board staff time spent in connection with the violation and the Administrative Civil Liability, including investigating with the discharger, drafting the Administrative Civil Liability Complaint and staff report, consulting with the staff attorney and meeting with the Regional Board is estimated to be \$129.00.

14. Issuance of this Order is exempt from the provisions of California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT, pursuant to Section 13261 of the California Water Code, an Administrative Civil Liability is imposed on Guy Page in the amount of \$379.00.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 11, 1998.

//SIGNED//
Executive Officer